

9/10/13

**John Murray**

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**From:** Stephen Anderson  
**Sent:** Friday, August 31, 2007 8:24 AM  
**To:** Doug Halley; John Murray; Mark Hald; James Okun  
**Subject:** RE: Acton/Grace: EPA and DEP Community Update regarding Pre-Design Field Activities  
**Attachments:** WR Grace Community Update Town Comments on Aug 2007 Draft (A0042352).DOC

See the attached revised version based on the newest information just received.

Steve

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**From:** Doug Halley [mailto:dhalley@acton-ma.gov]  
**Sent:** Thursday, August 30, 2007 2:52 PM  
**To:** Stephen D. Anderson; John Murray; Mark Hald; James Okun  
**Subject:** RE: Acton/Grace: EPA and DEP Community Update regarding Pre-Design Field Activities

We received the electronic copy of the draft update on August 23rd. In regards to your comments on formal communications it should be noted that after the May 7th email we did receive three emails regarding scheduling the June conference call and canceling the conference call. We received a hard copy of the Revised Sediment Pre-Design Work Plan conditional approval in early August and we just received an electronic copy of the Northeast Area Groundwater Pre-Design conditional approval. We have not seen anything regarding the Landfill Area Groundwater Ore-Design. I did notice a comment regarding the update not tracking changes in schedule so that we can discern if they are on schedule or behind schedule.

-----Original Message-----

**From:** Stephen Anderson  
**Sent:** Thursday, August 30, 2007 12:17 PM  
**To:** Doug Halley; John Murray; Mark Hald; James Okun  
**Subject:** RE: Acton/Grace: EPA and DEP Community Update regarding Pre-Design Field Activities

Gents: Attached is a first draft of Town comments based on Doug's email to me and ACES' recent comments.

Doug: Please scrub the document to make sure the facts are accurate.

Doug and John: Since the Town's comments focus on EPA's delayed and inadequate communication, can we send this out before the Selectmen's 9/10 meeting and supplement if necessary?

Steve

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**From:** Doug Halley [mailto:dhalley@acton-ma.gov]  
**Sent:** Monday, August 27, 2007 11:15 AM  
**To:** Stephen D. Anderson; John Murray; Mark Hald; James Okun  
**Subject:** RE: Acton/Grace: EPA and DEP Community Update regarding Pre-Design Field Activities

The Town would like to comment.

We are in agreement with ACES regarding communication. The last direct communication was in May and based on that Jim O. and I recently discussed whether the project was at an impasse and he was going to check that out. It is helpful that Derrick has sent the May and June status reports but it would be more productive if they were distributed within 15 days after the end of each month. No telephone conferences were held in June or July and apparently none are scheduled for August. That is indicative of either EPA

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believing they were unnecessary due to the lack of progress or that ongoing negotiations between EPA and Grace on work approvals were not ready to be discussed with us. Reviewing the changes between the May and June monthly reports leaves the impression that little progress has been made.

We are also in agreement with ACES regarding the Update being more layman friendly. The purpose of the update should be to inform the average citizen who does not have a professional background in waste site remediation.

The June monthly report states that the Groundwater Monitoring Plan needs to be approved by the end of July. The Town has received nothing from EPA indicating that it has been approved as suggested in the Update. Comparison of the latest monthly report and the draft update indicates either a lot has been approved without our knowledge or that the update is inaccurate.

A statement regarding the schedule within the update is inadequate unless it refers to the original schedule and indicates whether the current schedule is ahead or behind schedule.

The Town also believes that referencing manganese within the Update would be appropriate.

While it is helpful to review the site history within the update it does seem disproportionate that 47 lines of the update are dedicated to what is happening and 67 lines are dedicated to what has happened.

-----Original Message-----

**From:** Stephen Anderson

**Sent:** Monday, August 27, 2007 7:46 AM

**To:** John Murray; Mark Hald; Doug Halley; James Okun

**Subject:** Acton/Grace: EPA and DEP Community Update regarding Pre-Design Field Activities

Gentlemen:

EPA has given the Town only until 8/31/07 to comment on the attached August 2007 Community Update regarding Pre-Design Field Activities which are to begin shortly. Mary Michelman has drafted ACES' comments (attached).

Jim O: Please let me know if you have any substantive comments.

Mark and Doug: Please let me know if the Town is interested in commenting on this draft. (To some extent, the draft is the result of prior submissions on which the Town already commented; however, there is some new material here.)

Steve

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August 30, 2007

Mr. Derrick Golden, EPA Remedial Project Manager  
US Environmental Protection Agency  
EPA Region 1, Suite 1100  
1 Congress Street  
Boston, MA 02114-2023

Re: Town of Acton Comments on Draft Community Update  
WR Grace Superfund Site, Acton, Massachusetts  
Received by Town August 23<sup>rd</sup>, 2007  
Extension to Respond to September 21, 2007

Dear Mr. Golden:

Thank you for the opportunity to provide these comments, on behalf the Town of Acton on the Draft Community Update for the W. R. Grace Superfund Site in Acton, MA. The Town received an electronic copy of the draft update on August 23<sup>rd</sup>, 2007. The Town has received ACES's comments dated August 29, 2007, on the draft update. The Town requested and was granted an extension to respond until September 21, 2007. The Town is sending a hard copy and an electronic copy of these comments to you and the other parties copied at the end of this letter.

**General Comments:**

**1. Communication:**

The Town agrees with ACES that EPA and DEP should keep the Acton stakeholders (the Town of Acton, the Acton Water District, & ACES), better informed on an ongoing basis as to the status of the W. R. Grace Superfund Site. The last conference call direct communication was in May. The Status Reports for May, and June and July were provided in late August. A conference call was scheduled for June but unilaterally cancelled by EPA. No telephone conferences were held in June, July or August. Approvals were issued by EPA on revised documents before the revised documents themselves were provided to the Acton stakeholders, so that the Acton stakeholders had no opportunity to comment thereon.

To improve communication, the Town respectfully asks that EPA and DEP:

- Schedule more frequent meetings or conference calls with the Acton stakeholders (the most recent one was in May 2007);
- Stay in closer contact when major decisions (such as a change in treatment technology<sup>4</sup>) are under discussion;
- Provide the Acton stakeholders an opportunity to comment on revised submissions that make substantive changes before the submissions are approved; and
- Provide the Acton stakeholders with the monthly status reports contemporaneously, not months after the fact.

## 2. Layperson-friendliness:

The Town agrees with ACES that some terms used in the update, especially on page 2, are highly technical. The purpose of the update should be to inform the average citizen who does not have a professional background in waste site remediation as to the status of the site. If possible, the Town asks that EPA use simpler, more layman friendly language.

### Specific Comments:

## 3. Approvals Without Notice

Until late August, the last formal written communication which the Town received from EPA was your email of May 07, 2007 3:33 PM forwarding a copy of the April 30, 2007 monthly status report on the Remedial Design for the W.R. Grace site. Yet according to the draft Update (Page 1, First Paragraph), several approvals have been issued by the Government Parties:

The Sediment, Northeast Area Groundwater and Landfill Area Groundwater Pre-Design Work Plans have been reviewed and approved by EPA and MassDEP, in consultation with the Town of Acton, the Acton Water District and the Acton Citizens for Environmental Safety.

This statement is as surprising as it is inaccurate, because the Town has since learned that each of these reports was revised by Grace and the revisions approved by EPA *before* the revised report was even provided to the Acton stakeholders. However, Thus, the July 27, 2007 monthly status report, which you emailed to the Town on August 28, 2007 at 9:19 AM, indicates that:

Sediment Pre-Design Work Plan

The Government Parties conditionally approved the SPDWP on July 24, 2007. [The Table at the end of the status report indicates that a Revised Sediment Pre-Design Workplan was submitted on June 25, 2007.]

...

Northeast Area Groundwater Pre-Design Work Plan

Grace submitted the Northeast Area Groundwater Pre-Design Work Plan (Revised) on July 24, 2007. Grace is expecting an approval from the Government Parties by August 9, 2007.

...

Grace submitted a revised Landfill Area Groundwater Pre-Design Work Plan on July 26, 2007. Section 4 "Metals Removal System Treatability and Pilot Testing" and Attachment C "QAPP Addendum – Whole Effluent Toxicity Testing" were not included in the document submitted July 24. Those portions of the Work Plan will be sent at a later date for inclusion in the Work Plan. Grace is expecting a partial approval (Sections 1-3) of the work plan from the Government Parties by August 9, 2007.

Each of these revised reports was approved by EPA. ~~Either these approvals have been issued without the Town even being provided a copy in advance of the approval. After ACES submitted its comments on the draft update, EPA apparently realized its mistake, and the Town has now received the following:~~

<u>REVISED REPORT</u>	<u>DATE SUBMITTED TO EPA</u>	<u>DATE APPROVED BY EPA</u>	<u>DATE REVISED REPORT AND APPROVAL SUBMITTED TO TOWN</u>
Revised Sediment Pre-Design Work Plan	6/25/07	7/24/07	8/ /07
Revised Northeast Area Groundwater Pre-Design Work Plan	7/24/07	8/30/07	8/30/07 (1:39 PM)
Revised Landfill Area Groundwater Pre-Design Work Plan	7/26/07	8/30/07	8/30/07 (4:47 PM)

It is clear that EPA had each of these revised reports for a month or more before approving them; however, EPA did not provide the revised reports to the Acton stakeholders for comment before approving them.

~~'s knowledge, or, the draft update anticipates approvals that have not yet occurred.~~

~~The Town respectfully requests that EPA provide to the Acton Stakeholders:~~

- ~~•The Revised Sediment Pre-Design Work Plan Government Parties' submitted on June 25, 2007, and the conditional approval of the SPDWP on July 24, 2007;~~
- ~~•The Revised Northeast Area Groundwater Pre-Design Work Plan submitted on July 24, 2007 and any approval of the revised plan;~~
- ~~•The Revised Landfill Area Groundwater Pre-Design Work Plan submitted on July 26, 2007 and any approval of the revised plan.~~

~~In the event that the revised plans have not been approved, the Town respectfully requests that EPA provide a reasonable opportunity to comment thereon by the Acton Stakeholders. In addition, Accordingly, the draft update should be revised to accurately reflect the facts;~~

Revised Sediment, Northeast Area Groundwater and Landfill Area Groundwater Pre-Design Work Plans have been reviewed and approved by EPA and MassDEP. The Town of Acton, the Acton Water District and the Acton Citizens for Environmental Safety were provided copies of the revised plans after they were approved.

~~as of the time it is issued. As with ACES, the Town can provide a quick response time on the revised plans once they are provided to the Town, especially since the Town would like to see active treatment begin in the Northeast Area as soon as possible.~~

#### **4. Manganese**

The Town agrees with ACES' observation that the update mentions arsenic and iron, but not manganese, even though manganese at the site exceeds EPA's Health Advisory standards. As the primary inorganic contaminants driving the current cleanup at the site have been manganese and arsenic, it should be added to the update at Page 3 (Landfill Area, top of page), and Page 5. Record of Decision and Statement of Work, Top of page, (continuation of third bullet from previous page).

Thank you again for the opportunity to provide comments on the 2007 draft Community Update for the WR Grace Superfund Site, in Acton.

Sincerely,

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John Murray, Temporary Town Manager

Electronic cc: Acton Board of Selectmen  
Stephen Anderson, Anderson & Kreiger  
Mary Michelman, ACES President  
David Buckley, DEP  
Jane Ceraso, AWD  
Jim Deming, AWD  
Doug Halley, Acton Health Director  
John Murray, Acton Interim Town Manager  
Jim Okun, OT&O  
Sarah White, USEPA